

REMARKS

In response to the Office Action dated October 16, 2007 Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-9, 20-23 and 25-30 are pending in the present Application. Claims 1 and 20 have been amended, leaving Claims 1-9, 20-23 and 25-30 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Claim 30 is withdrawn. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

First Claim Rejection Under 35 U.S.C. § 103(a)

Claims 1, 4, 6, 7-9, and 20-21 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. (US 6250557) in view of Moskowitz et al. (US 20040015403) in view of English (US 20030055723) in further view of Kargman (US 20020049644). Applicants respectfully traverse this rejection.

Claim 1, as amended, recites “a method for obtaining an offer for a sale of a desired product or service using electronic devices, comprising identifying the desired product or service for a single purchase transaction; iteratively transmitting a first signal including a first data message using a mobile transceiver device, the first data message having information relating to the desired product or service, the first signal being transmitted to product or service providers within a broadcast range of the mobile transceiver device regardless of identities of the product or service providers and abilities of the product or service providers to provide the desired product or service; receiving the first signal having the first data message and determining whether at least one of the product or service providers has the desired product or service available for sale; transmitting a second signal including a second data message to the mobile transceiver device, the second data message containing an offer to sell the desired product or service; receiving a plurality of additional offers to sell the desired product or service from a plurality of vendors prior to a completion of the single purchase transaction; organizing the offer to sell the desired product or service and the

plurality of additional offers to sell the desired product or service on a screen of the mobile transceiver device prior to a completion of the single purchase transaction; and deleting a subset of the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service in response to the subset failing to meet a desired criterion prior to a completion of the single purchase transaction.”

As amended, Claim 1 is allowable over the combination of Forslund et al. (US 6250557) in view of Moskowitz et al. (US 20040015403) in view of English (US 20030055723) in further view of Kargman (US 20020049644) because none of the references combined or separately discloses, among other things, “identifying the desired product or service for a single purchase transaction...receiving a plurality of additional offers to sell the desired product or service from a plurality of vendors prior to a completion of the single purchase transaction; organizing the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service on a screen of the mobile transceiver device prior to a completion of the single purchase transaction; and deleting a subset of the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service in response to the subset failing to meet a desired criterion prior to a completion of the single purchase transaction”.

The Office Action has cited sections of English and has asserted that English teaches “receiving a plurality of additional offers to sell the desired product or service from a plurality of vendors”. This statement is not accurate. English teaches “when the user reaches a selected point in the process of paying a bill, recording a payment, or accessing a payee list in the financial management system, the user can rate the vendor and indicate his or her level of satisfaction with the vendor, goods or services. User-selectable icons representative of satisfaction or dissatisfaction (“thumbs up”/“thumbs down”) are displayed, and if the user selects the “thumbs down” icon, the system accesses and searches the vendor database, based upon the vendor information already entered by the user. The system then retrieves and displays information representative of one or more alternative vendors from which the user may obtain the same or similar goods and services. Thus, for example, when a consumer uses the system to pay a monthly long-distance telephone bill, and indicates dissatisfaction with the long-distance provider, the system will display information of one, or a list of, alternative

long-distance providers, and may further display user-ratings, service plans and pricing for each alternative.” (English paragraph [0009]) Clearly, English pre-supposes that there has been a relationship with the vendor and the user is rating the experience with the vendor. If the user rates the vendor with a thumbs down, then the user is presented with alternate vendors that the user *could use in the future*, but not with a current single purchase transaction that has not yet occurred as with Applicant’s claimed invention.

Claim 20 includes recitations similar to Claim 1 and is allowable for the same reasons set forth with respect to Claim 1. Claims 4, 6 and 7-9 depend from Claim 1 and Claim 21 depends from Claim 20, and are also allowable for at least the same reasons.

Second Claim Rejection Under 35 U.S.C. § 103(a)

Claims 2-3 and 5 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Walker et al. (US 5794207). Applicants respectfully traverse this rejection. Claims 2-3 and 5 variously depend from Claim 1 and are patentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Walker et al. for at least the reasons advanced with reference to Claim 1.

Third Claim Rejection Under 35 U.S.C. § 103(a)

Claim 22 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Silverman et al. (US 5136501). Applicants respectfully traverse this rejection. Claim 22 depends from Claim 20 and is patentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Silverman et al. for at least the reasons advanced with reference to Claim 1.

Fourth Claim Rejection Under 35 U.S.C. § 103(a)

Claims 23, 25, and 28-29 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Nanni et al. (US 6389269). Applicants respectfully traverse this rejection. The claims that have been identified as Claim 24(a) and Claim 24(b) have been canceled. Claims 23 and 25 depend from Claim 20 and are patentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Nanni et al. for at least the reasons advanced with reference to Claim 1.

Fifth Claim Rejection Under 35 U.S.C. § 103(a)

Claim 26 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Fano et al. (US 20050091118). Applicants respectfully traverse this rejection. Claim 26 depends from Claim 1 and is patentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Fano et al. for at least the reasons advanced with reference to Claim 1.

Sixth Claim Rejection Under 35 U.S.C. § 103(a)

Claim 27 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Vermande (US 20020095340). Applicants respectfully traverse this rejection. Claim 26 depends from Claim 1 and is patentable over Forslund et al. in view of Moskowitz et al. in view of English in view of Kargman as applied to claims 1,4, 6-9 and 20-21, and in further view of Vermande for at least the reasons advanced with reference to Claim 1.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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